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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TAKEHIKO TOJO, ET AL. : EXAMINER: STEITZ, RACHEL R.
SERIAL NO: 10/560,044 :
FILED: DECEMBER 8, 2005 : GROUP ART UNIT: 3732
FOR: HAIR HOLDER :

DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I, Takehiko TOJO (name), citizen of Japan (country), hereby declare and state that:

1. I am an employee having the title of a senior researcher (title) at Kao Corporation, located at 2606, Akabane, Ichikai-machi, Haga-gun, TOCHIGI 321-3497 JAPAN (address).

2. On July 21, 2009 (date), I conducted an experiment comparing the curl finish of Example 3 and Comparative Example 3 as follows:

Example 3 - A hair holder of the same size obtained in Example 1 described on pages 10 and 11 of the original specification was prepared using an LDPE (low-density polyethylene) film (thickness: 12 \cdot m) as a first side sheet and the same sheet as used in Example 1 as a second side sheet. A curl formed by the resulting hair holder was evaluated in the same manner described in Example 1. The results are shown in the Table below.

Comparative Example 3 - A hair holder of the same size obtained in Example 1 described in the specification was prepared using an LDPE (low-density polyethylene) film (thickness: 30

• m) as a first side sheet and the same sheet as used in Example 1 as a second side sheet. A curl formed by the resulting hair holder was evaluated in the same manner described in Example 1.

The results are shown in the Table below.

	Extension under 5 N Load (%)		Extensibility Ratio (First Side sheet/ Second Side Sheet)(Times) ※ 1	Taber Stiffness of Second Side Sheet (mNm)	Curl Finish
	First Side Sheet	Second Side Sheet			
Example 1	29	0.2	145	2.0	A
Example 2	23.1	0.2	116	2.0	A
Example 3	2.9	0.2	15	2	A to B
Comparative Example 1	0.2	0.2	1	2	C
Comparative Example 2	2.5	0.4	6	0.22	C
Comparative Example 3	2.5	0.2	13	2	C

※1 extensibility ratio recited in independent Claims 1 and 8 is at least 15 times

4. As is apparent from the results of the evaluation shown in the Table above, an orderly curl finish is achieved by using hair holders in which the first side sheet has an extensibility at least 15 times an extensibility of the sheet which forms the second side.

5. As is also apparent from the results of evaluation shown in the Table above, an orderly curl finish is *not* achieved by using hair holders in which the first side sheet has an extensibility less than 15 times an extensibility of the sheet which forms the second side.

6. Accordingly, the hair holder from Example 3, which has an extensibility ratio of “at least 15 times,” as recited in Claims 1 and 8 of U.S. Application No. 10/560,044, is acceptable whereas the hair holder from Comparative Example 3 is not acceptable. This experiment confirms the unexpected significance of the claimed extensibility ratio.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

8. Further declarants saith not

Takehiko Tojo
Signature
(Takehiko TOJO)

Aug. 17, 2008
Date